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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BECKY CHRISTIAN,)
)
Defendant.)

No. CR 08-0237 MHP

PARTIES' JOINT REQUEST TO CONTINUE
SENTENCING DATE AND ~~[PROPOSED]~~
ORDER

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Becky Christian, Steven M. Bauer, that, subject to the Court's approval, the sentencing hearing presently set for March 28, 2011, be continued and set for a sentencing hearing on September 26, 2011, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted by counsel for the United States with respect to this date, and she has indicated that she is available on that date.

The defendant Becky Christian pled guilty pursuant to a plea agreement on July 24, 2008, to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain

1 unauthorized access to a protected computer, exceed authorized access to a protected computer,
 2 and traffic in a password allowing unauthorized access to a protected computer. The case was
 3 referred to the Probation Office for a presentence report. The plea agreement also includes
 4 standard terms of cooperation.

5 In light of continuing cooperation under the terms of the plea agreement, the parties
 6 jointly request that the sentencing status hearing on March 28, 2011, be continued for a
 7 sentencing hearing on September 26, 2011, at 9:00 a.m. Additional time is needed for the
 8 defendant to complete her cooperation with the government. Specifically, charges have been
 9 filed against an alleged co-conspirator of the defendant, David Nosal. The Nosal case is
 10 numbered CR 08-0237 MHP. The United States has filed a notice of appeal in the Nosal case,
 11 and oral argument in the case is scheduled to take place on February 14, 2011. The Nosal case
 12 will not proceed to trial until that appeal is resolved. The defendant Christian is expected to
 13 testify in that trial. Because Ms. Christian will be required to testify at trial, her cooperation with
 14 the government's investigation is not yet complete.

15 For all of these reasons, the parties jointly request that this Court vacate the sentencing
 16 hearing presently set for March 28, 2011, and set a sentencing hearing for September 26, 2011, at
 17 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report be
 18 calculated using the new sentencing date.

19 SO STIPULATED.

20 Dated: February 14, 2011

MELINDA HAAG
 United States Attorney

21
 22 _____/s/
 23 KYLE F. WALDINGER
 Assistant United States Attorney

24
 25 SO STIPULATED.

26 Dated: February 14, 2011

27 _____/s/
 STEVEN M. BAUER
 Attorney for defendant Becky Christian

[PROPOSED] ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing status hearing presently set for March 28, 2011, be
May 23, 2011 at 10:00 a.m.
continued to ~~September 26, 2011, at 9:00 a.m.~~ The final presentence report should be disclosed
two weeks prior to the sentencing date.

Dated this 15th day of February, 2011

